

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

STATE OF FLORIDA,

Plaintiff,

vs.

UNITED STATES OF AMERICA; ALEJANDRO
MAYORKAS, Secretary of the U.S.
Department of Homeland Security, in
his official capacity; U.S. DEPARTMENT
OF HOMELAND SECURITY; TROY MILLER,
Acting Commissioner of U.S. Customs
and Border Protection, in his official
capacity; U.S. CUSTOMS AND BORDER
PROTECTION; TAE JOHNSON, Acting
Director of U.S. Immigration and
Customs Enforcement, in his official
capacity; U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; UR M. JADDOU, Director of
U.S. Citizenship and Immigration
Services, in her official capacity;
U.S. CITIZENSHIP AND IMMIGRATION
SERVICES,

Defendants.

TRANSCRIPT OF BENCH TRIAL - DAY 4
BEFORE THE HONORABLE T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE
(Pages 1 through 261)

APPEARANCES:

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1 leading guidance that Florida has provided to its employees?

2 A. As it relates to parole or other mechanisms of entry, such
3 as being in removal proceedings or is an asylum applicant?

4 Because those two are addressed in the manual.

5 Q. Okay. I'm talking about just in terms of release, release
6 mechanism.

7 A. Certainly, there -- I believe there's another category for
8 individuals who are -- there's several categories. Cubans who
9 are given an indefinite -- I mean, we can go back to the
10 beginning, we can walk through it. Go back to the table of
11 contents. I can show you.

12 Q. Yeah, you can go to the Table of Contents.

13 A. Okay. So if you can -- let's see. Under deportation
14 withheld, Number 28 and 29, national of Cuba or Haiti with an
15 indefinite stay of deportation or deportation withheld. There's
16 also --

17 Q. Okay. I think perhaps we were talking -- now that I see
18 what you're looking at, I think perhaps we were talking -- there
19 was a miscommunication between us. I'm talking about release
20 mechanisms. So I understand that there's individuals who may be
21 eligible -- Cuban and Haitian individuals that may be eligible
22 because deportation has been withheld, but that is not connected
23 to their original type of entry into the country or their
24 original type of release, correct?

25 A. Can I suggest we go to page 32 and look at the

1 Cuban/Haitian entrant definition?

2 Q. Sure.

3 A. So there you'll see all of the different types of --
4 Cuban/Haitian entrant is not an immigration status, but it's
5 defined in the Refugee Education Assistance Act to be people who
6 are eligible for assistance. And it includes not only
7 individuals who have been paroled but also those who are -- have
8 an asylum application pending or are in removal proceedings.
9 And there's a bunch of different categories here.

10 Q. Okay. So I just want to make sure that it's clear for the
11 Court. So any type of Cuban or Haitian -- and possibly the two
12 other nationalities you --

13 A. The other one is a little more restrictive, too.

14 Q. Those are more restrictive?

15 So if you're a Cuban or a Haitian and you've been
16 released and you have documentation to show that you've been
17 released with any of the documents listed under the word
18 "documentation" on page 32, you would then be eligible for these
19 benefits --

20 A. Correct.

21 Q. -- is that correct?

22 A. Mm-hmm.

23 Q. Okay. And if it's a parole, in particular, you would have
24 to have the I-94 or a similar stamp in your passport?

25 A. Some kind you have a stamp -- some kind of an indication

1 it's for families who don't have children; am I right?

2 A. The Refugee Cash Assistance component of the refugee
3 program mirrors TANF, yes.

4 Q. Okay. For families without children?

5 A. Correct.

6 Q. Okay. And this program is a 100 percent funded by the
7 federal government, right?

8 A. Yes.

9 Q. And that's true for Cubans and Haitians as well?

10 A. Yes.

11 Q. And, in fact, all the refugee programs in the State of
12 Florida are a 100 percent federally funded, right?

13 A. Yes.

14 Q. Now, I'm not sure if you mentioned this, so correct me if
15 I'm wrong, but there's also a substance abuse and mental health
16 program that's overseen by DCF?

17 A. There is.

18 Q. And that program provides both inpatient and outpatient
19 services, right?

20 A. Yes.

21 Q. Okay. So focusing solely on outpatient services for one
22 moment, fair to say that you can't tell us how many of the
23 individuals receiving those services are applicants for
24 admission who crossed the southwest border and were paroled
25 since January of 2021?

1 Q. So that would include food assistance?

2 A. Yes.

3 Q. And cash assistance?

4 A. Yes.

5 Q. Okay. And they're also eligible to receive those benefits
6 regardless of how long ago they were granted parole, correct?

7 A. Yes.

8 Q. Okay. So a Cuban or Haitian who entered the southwest
9 border and was released on parole, say two weeks ago, and made
10 their way to Florida, they would be eligible for SNAP benefits;
11 is that right?

12 A. Yes.

13 Q. They would also be eligible for TANF benefits?

14 A. Yes.

15 Q. And for Medicaid?

16 A. Assuming they meet all the other qualifications, yes.

17 Q. Okay. And that's the same for Medicaid?

18 A. Yes.

19 Q. Okay. And so Cubans and Haitians who entered and were
20 otherwise released pending their removal proceedings, they're
21 also eligible for those same benefits; is that accurate?

22 A. Yes.

23 Q. All right. And again, there's no time restriction as it
24 relates to their immigration status?

25 A. Correct.

1 entry date because that is the -- there's a time frame of
2 eligibility for refugee services and benefits that starts with
3 their date of entry. So we don't track it for the SNAP and TANF
4 and Medicaid programs, but we do track it for the refugee cash
5 and medical assistance and the refugee program. So we do record
6 on a monthly and annual basis the date of entry. So the
7 139,000, or whatever the number was that you gave us, was for
8 that period of October 1st through September 31st of 2022.

9 THE COURT: But again, you don't know where they
10 entered, you just know they did enter?

11 THE WITNESS: Correct.

12 THE COURT: Gotcha.

13 And so your question was what, Ms. Patel?

14 MS. PATEL: I was asking whether it's likely that some
15 of those Cubans and Haitians that entered, some of those
16 153,000, is it likely they're also receiving economic
17 self-sufficiency benefits such as SNAP?

18 MS. FUDIM: And I object to that, Your Honor.

19 THE COURT: I'll allow her to answer, and you can
20 explore the basis for that knowledge on redirect.

21 You can answer.

22 THE WITNESS: Okay. Yes, it's likely.

23 BY MS. PATEL:

24 Q. Okay. And you were also asked about residential mental
25 health services that are provided to noncitizens. Do you recall